

1 ROB BONTA
Attorney General of California
2 NORMAN D. MORRISON
Supervising Deputy Attorney General
3 ASHLEY REYES
Deputy Attorney General
4 State Bar No. 312120
2550 Mariposa Mall, Room 5090
5 Fresno, CA 93721-2271
Telephone: (559) 705-2312
6 Fax: (559) 445-5106
E-mail: Ashley.Reyes@doj.ca.gov
7 *Attorneys for Defendants State of California, acting
by and through the California Highway Patrol and
8 Officer Ramon Silva*

9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 **SANDRA KIRKMAN AND CARLOS**
12 **ALANIZ, INDIVIDUALLY AND AS**
13 **SUCCESSORS-IN-INTEREST TO**
14 **JOHN ALANIZ, DECEASED,**

Plaintiffs,

15 v.

16 **STATE OF CALIFORNIA; RAMON**
17 **SILVA; AND DOES 1-10,**
18 **INCLUSIVE,**

Defendants.

Case No. 2:23-cv-07532-DMG-SSC

**DEFENDANTS' NOTICE OF EX
PARTE APPLICATION AND EX
PARTE APPLICATION FOR AN
ORDER GRANTING LEAVE TO
FILE DOCUMENTS UNDER SEAL**

[Declaration of Deputy Attorney
General Ashley Reyes and Proposed
order filed concurrently herewith]

Judge: Honorable Dolly M. Gee
Trial Date: April 15, 2024
Action Filed: July 28, 2023

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20 TO ALL PLAINTIFFS AND THEIR ATTORNEYS OR RECORD:

21 NOTICE IS HEREBY GIVEN that in accordance with Local Rule 79-5.1 of
22 the Central District of California, Defendants, State of California, acting by and
23 through the California Highway Patrol, and Officer Ramon Silva, hereby apply for
24 an order permitting them to file under seal, for the purposes of in camera review by
25 the Court, the following:

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1) Declaration of Deputy Attorney General Ashley Reyes in Support of Motion to Withdraw as Counsel.¹

This application is made pursuant to Local Rule 79-5 et seq.

REASONS SUPPORTING RELIEF REQUESTED

Good cause exists to seal the Declaration of Deputy Attorney General Ashley Reyes in Support of Motion to Withdraw as Counsel. The Declaration sets forth the nature if the conflict necessitating the withdrawal of the Office of the Attorney General and involves the disclosure of client confidences and communications, as well as discussion of attorney work product relating to the conflict.

Defendants' present attorneys of record represent and certify to the Court that good cause for withdrawal exists under one or more of the grounds specified in California Rules of Professional Conduct 1-7. However, Defendants' counsel anticipates the Court will require additional information relating to the withdrawal. Accordingly, Defendants' counsel intends to provide the declaration, under seal for purposes of an in camera proceeding, for the use by the Court in connection with this motion. The contents of the declaration and the sealing of this document is necessary in order to prevent any waiver of attorney-client privileged communications and attorney work product.

Accordingly, Defendants request that such a declaration be filed under seal, with access to the document limited to this Court and Defendants' current and subsequent counsel only.

LOCAL RULE 7-19 COMPLIANCE

Prior to filing this *ex parte* application, Defendants' counsel contacted Plaintiffs' counsel of record, Shannon Leap, of the Law Offices of Dale Galipo, located at 21800 Burbank Boulevard, Suite 310, Woodland Hills, California,

¹ The Office of the Attorney General, Department of Justice, intends to file its Request to Withdraw as Counsel for Defendants after an order is received on this application.

1 91367, (818) 347-333, (sleap@galipolaw.com), in compliance with Local Rule 7-
2 19 through 7-19.1. Reyes Decl., ¶3.

3 It is Defendants' understanding that Plaintiff will oppose this Application.
4 Defendants are filing this application due to the need to file documents under seal
5 based on the attorney-client privileged communications contained therein, as well
6 as the need to file a motion to withdraw as counsel based on a conflict. Reyes Decl.,
7 at ¶3.

8 CONCLUSION

9 For the foregoing reasons, Defendants and their counsel respectfully request
10 that the Court order the Declaration of Deputy Attorney General Ashley Reyes in
11 Support of Motion to Withdraw as Counsel be filed under seal, with access limited
12 to the Court and Defendants' current and subsequent counsel of record only, in
13 connection with this case.

14 Dated: November 27, 2024

Respectfully submitted,

15 ROB BONTA
16 Attorney General of California
17 NORMAN D. MORRISON
Supervising Deputy Attorney General

18 /s/ Ashley Reyes
19 ASHLEY REYES
20 Deputy Attorney General
21 *Attorneys for Defendants State of*
22 *California, acting by and through the*
California Highway Patrol and
Officer Ramon Silva

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CERTIFICATE OF SERVICE

Case Name: **Sandra Kirkman, et al. v. State
of California, et al.**

No. **2:23-cv-07532-DMG-SSC**

I hereby certify that on November 27, 2024, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DEFENDANTS' NOTICE OF EX PARTE APPLICATION AND EX
PARTE APPLICATION FOR AN ORDER GRANTING LEAVE TO FILE
DOCUMENTS UNDER SEAL**

**DECLARATION OF DEPUTY ATTORNEY GENERAL ASHLEY REYES
IN SUPPORT OF DEFENDANTS' APPLICATION FOR AN ORDER
GRANTING LEAVE TO FILE DOCUMENTS UNDER SEAL**

**(REDACTED & UNREDACTED) DECLARATION OF DEPUTY
ATTORNEY GENERAL ASHLEY REYES IN SUPPORT OF ATTORNEY
GENERAL'S MOTION TO WITHDRAW AS COUNSEL FOR
DEFENDANTS**

**[PROPOSED] ORDER ON DEFENDANTS EX PARTE APPLICATION
FOR AN ORDER GRANTING LEAVE TO FILE DOCUMENTS UNDER
SEAL**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on November 27, 2024, at Los Angeles, California.

J. Sissov

Declarant

/S/ J. Sissov

Signature